

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:14-CR-97-1H

UNITED STATES OF AMERICA,)
)
 v.)
)
SHAWNEE OTTO JENNINGS,)
)
Defendant.)

ORDER

This matter is before the court on defendant's motion to suppress. Following an evidentiary hearing on July 14, 2015, United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation (M&R) on January 8, 2016, recommending denial of the motion. The defendant has objected, and this matter is ripe for adjudication.

Under Rule 59(b) of the Federal Rules of Criminal Procedure, a district judge must consider "de novo any objection to the magistrate judge's recommendation."

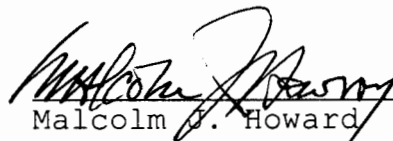
Defendant filed several written objections: (1) a factual objection to the finding that officers observed defendant not wearing his seat belt; (2) a legal objection to the finding of probable cause that a seatbelt violation had occurred; and (3) objections to reasonable suspicion as a valid basis for the stop. Finally, defendant objects to the M&R's recommendation that the motion to suppress be denied.

The court has carefully reviewed each specific objection made by defendant. The court finds these objections to be without merit. The court agrees with the magistrate judge's findings of fact as well as the conclusions of law drawn therefrom. Specifically, this court finds the officers observed defendant without his seat belt, thereby establishing probable cause for the traffic stop.

In addition to reviewing defendant's objections and finding them to be without merit, this court has conducted a full and careful review of the M&R and other documents of record. Having done so, the court hereby finds that the recommendation of the magistrate judge is, in accordance with the law and should be approved.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, the defendant's motion to suppress is hereby DENIED.

This 23rd day of February 2016.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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